

**WAUKESHA COUNTY**  
**MINUTES OF THE PARK AND PLANNING COMMISSION**  
**THURSDAY, DECEMBER 2, 2004, 1:00 P.M.**

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**CALL TO ORDER**

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:           Walter Baade, Chairperson  
                                  Mareth Kipp  
                                  Ellen Gennrich  
                                  Betty Willert  
                                  Pat Haukohl  
                                  Gary Goodchild  
                                  Walter Kolb

Commission

Members Absent:           None

Staff

Members Present:       Richard L. Mace, Planning and Zoning Manager (arrived at 1:30 p.m.)  
                                  Kathy Moore, Senior Planner  
                                  Sherrie Villarreal, Clerk Typist III

Guests Present:

Dennis Smero  
Joe Kehoss  
Matt Wade

**MINUTES:**

Submittal of September 23, 2004 and October 7, 2004, Minutes.

**PUBLIC COMMENT**

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

• **CZ-1551 (Joseph J. Kehoss) Town of Vernon, Section 18 (Rezone from the A-5 Mini-Farm District to the A-2 Rural Home District)**

Mrs. Moore presented the "Staff Report and Recommendation" dated December 2, 2004, and made a part of these Minutes. She pointed out the property on the east side of Hillview Drive, approximately three-quarters of a mile north of C.T.H. "ES", on the aerial photograph.

Mrs. Moore stated the property will be divided (by Certified Survey Map) into a 9.68-acre parcel and a 3.33-acre parcel. A new single-family residence would be constructed on the larger lot, while the smaller lot would contain the existing residence and out buildings. There was discussion as to why the RRD-5 Zoning District would not be appropriate for the property and Mrs. Moore explained, "The intent of the RRD-5 District is to cluster the one unit per five acres on lots as small as one acre and the remaining land would be zoned in the Prime Agricultural category in a 20-acre contiguous area, which you could not do with a 13-acre parcel." Mrs. Willert asked if the property could be further divided? Mrs. Moore replied the lot could not be

further divided unless the Waukesha County Development Plan and the Town of Vernon Land Use Plan were amended to permit a density of less than five acres per dwelling unit. There were concerns why Condition No. 2 (Professional Fees) and Condition No. 3 (Payment of Charges) are conditions in the “Staff Recommendation”? Mrs. Moore explained many of the towns are including said conditions, which will result in collecting fees for time spent by their attorneys, engineers, planners, etc. She also noted that Conditions No. 2 and No. 3 are enforceable by the Town only and not the County.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **SVZ-1550 (Ralph Hibbard/Heaven City Development) Village of Mukwonago, Section 19**

The matter was withdrawn.

- **PO-04-OCOT-33 (Golden Mast) Town of Oconomowoc, Section 36**

Mrs. Moore presented the “Staff Report and Recommendation” dated December 2, 2004, and made a part of these Minutes. She pointed out the property, which is located at W349 N5253 Lacy’s Lane, on the aerial photograph. The petitioner is requesting a Site Plan/Plan of Operation Permit for a two-story addition to the restaurant for a garbage storage area on the basement level and an expansion to the dining area on the first floor.

Mrs. Moore said the petitioner has received Variances for the addition and explained the property would be aesthetically pleasing with the garbage dumpsters enclosed. She pointed out the garbage storage area would contain two dumpsters and several garbage cans and would be adjacent to the basement level of the restaurant building, which is on the northeast side of the building. Mrs. Haukohl asked if the Commission was approving this matter before the Town, to which Mrs. Willert responded that the Town would hear the request on Monday, December 6, 2004.

*After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”.*

## **SCHEDULED MATTER**

- **1:00      Discussion of “building height” amendment to the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance**

This item was requested to be added to the Agenda by Commissioner Haukohl to inform the Commission of the changes which were added by the Land Use, Parks and Environment (LUPE) Committee. Mrs. Moore stated the old definition for “building height” allowed 35 ft., from the lowest grade to the peak of a residence. The new definition states, “The vertical distance measured from the lowest point of the exposed structure to the primary horizontal soffit of the uppermost floor.” There was discussion with regards to residences in the area, which were four and five stories in height. Mrs. Haukohl pointed out you would still have the maximum floor area ratio, which protects the residence so you don’t have so many square feet. For example, you cannot have another floor if you have already figured in the floor area ratio. Mrs. Moore said on the narrow lots you will not be able to go 10 ft. farther from the road, lake and side lot lines to increase the building height.

- **PO-04-GNT-40 (Kieffer & Co., Inc./Genesee Family Care, S.C.) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated December 2, 2004, and made a part of these Minutes. He pointed out the property on the northwest corner of the intersection of S.T.H. 59 and S.T.H. 83 on the aerial photograph. The petitioner is requesting a Site Plan/Plan of Operation Permit to replace the word “cabinet” on the existing monument sign.

Mr. Mace stated the new monument sign would be placed in the same location as the existing sign. It would be 8.0 ft. x 7.1 ft. (56.8 sq.ft.), white with blue lettering and internally illuminated. The exhibit attached to the “Staff Report and Recommendation” illustrates the renderings for the existing and proposed signs.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”.*

- **SCS-761A (Robert and Geraldine Zaretzke) Town of Brookfield, Section 6**

Mr. Mace presented the “Staff Memorandum” dated December 2, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph. The petitioners are requesting a waiver of the requirement for a Certified Survey Map (CSM).

Mr. Mace stated the petitioners intend to create three parcels, one which will include the existing residence and two vacant parcels for future residential development. The septic site for Parcel No. 2 is located on an easement on proposed Parcel No. 3 and the County Subdivision Control Ordinance requires septic system sites be on specific lots that are being created unless a waiver is granted. Mr. Mace stated that Parcel No. 2 is buildable and a septic system could not be installed, so a septic site on the east side of Parcel No. 3 was found. There were concerns with how to access the easement on Parcel No. 3. It was indicated by the Town that the parcel could be accessed by the 5 ft. triangular corner they proposed. Mr. Mace said you cannot get a piece of equipment or a tractor through 5 ft. and recommended the following condition: “A 20 ft. triangular area of easement also be added so that sufficient access can be gained from Lot 2 to the easement for long-term maintenance and for construction purposes.” Mrs. Haukohl expressed concerns because the septic system was behind a residence and asked if there would be an issue with the smell? Mr. Mace replied if there was an issue with smell it would be the Health Department’s duty to correct it and, if working correctly, there should be no odor. Mr. Goodchild questioned, “Does Parcel No. 3 have a septic area?” Mr. Mace replied in the Certified Survey Map review letter, Item No. 14 identifies the need to locate the soil borings for Parcel No. 3 on the Certified Survey Map, which was completed but not yet shown. The request for waiver was one of 17 items that must be completed before the CSM is signed. He pointed out that the soil tests were completed. Mr. Goodchild inquired what zoning classification was Parcel No. 3 to which Mr. Mace replied, “Residential and Conservancy.” Mrs. Kipp questioned if a Deed Restriction would be filed in the Register of Deed’s office, which would allow the petitioner to use another parcel for the septic field and Mr. Mace replied the CSM is filed with the Register of Deed’s Office, which includes that language.

*After discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Memorandum”, which states that a “20 ft. triangular area of easement also be added so that sufficient access can be gained from Lot 2 to the easement area for long-term maintenance and for construction purposes.” The approval of this request, as conditioned, will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*There being no further business to come before the Commission, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, to adjourn the meeting at 1:50 p.m.*

Respectfully submitted,

Ellen Gennrich  
Secretary

EG:smv

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